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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/712,320	11/14/2003	Seong-Jin Moon	1293.1075D2C	1978
49455	7590	12/05/2007		
STEIN, MCEWEN & BUI, LLP			EXAMINER	
1400 EYE STREET, NW			HASAN, SYED Y	
SUITE 300				
WASHINGTON, DC 20005			ART UNIT	PAPER NUMBER
			2621	
			MAIL DATE	DELIVERY MODE
			12/05/2007	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/712,320	<b>Applicant(s)</b> MOON ET AL.	
	<b>Examiner</b> Syed Y. Hasan	<b>Art Unit</b> 2621	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 14 November 2003.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1 - 7 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1 - 7 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>See Continuation Sheet</u>                                    | 6) <input type="checkbox"/> Other: _____                          |

Continuation of Attachment(s) 3). Information Disclosure Statement(s) (PTO/SB/08), Paper No(s)/Mail Date :11/14/2003, 10/31/2004 and 09/21/2005.

## DETAILED ACTION

### *Double Patenting*

1. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. See *In re Goodman*, 11F.3d 1046, 29 USPQ 2d 2010 (Fed. Cir. 1993); *In re Long*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and, *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent is shown to be commonly owned with this application. See 37 CFR 1.130(b).

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

2. Claim 1 is rejected under the judicially created doctrine of obviousness- type double patenting as being unpatentable over claims 1, 7 and 8 of U.S. Patent No. 6,674,957 B1. Although the conflicting claims are not identical, they are not patentably distinct from each other because;

Regarding **claim 1** of this application, claims 1, 7 and 8 of U.S. Patent No. 6,674,957 B1 recite an apparatus for recording and/or reproducing audio and/or video data on a writeable and/or rewriteable recording medium comprising: a recording

processor to signal-process a plurality of still pictures to be recorded in a first region of the recording medium; and a controller to generate still picture group information for arranging the still pictures in the first region into a number of groups so as to manage the still pictures at a group level and to control the generated still picture group information to be recorded in a second region of the recording medium, wherein the still picture group information includes still picture group general information containing start positions of each still picture group and information relating to a number of video parts in each still picture group, and information for the still pictures in each still picture group, the information for the still pictures containing position information thereof and the position information for the still pictures includes size information of video parts of the still pictures. It is noted that claim 1 of this application is broader than and encompasses method claims 1, 7 and 8 of U.S. Patent No. 6,674,957 B1 and, therefore, obviousness-type double patenting rejection is applied.

3. Claims 2 and 5 are rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1, 7 and 8 of U.S. Patent No 6,674,957 B1

Regarding **claims 2 and 5** of this application, claims 1, 7 and 8 of U. S. Patent No. 6,674,957 B1 as discussed above, recite all the claimed limitations except for providing the claimed wherein the maximum number of still pictures in a group is 64.

Whether the maximum number of still pictures in a group is 64 is not, unless by doing so produces novel and/or unexpected results, is merely considered as well known design options obvious on one of ordinary skill in the art because the specific maximum

number in a group provides no significant functional or patentable differences. On the same token that the maximum number in a group is 45 or 55 or 50 would not have been patentable distinct from claims 1, 7 and 8 of U. S. Patent No. 6,674,957 B1

4. Claim 3 is rejected under the judicially created doctrine of obviousness- type double patenting as being unpatentable over claims 1, 8 and 9 of U.S. Patent No. 6,674,957 B1. Although the conflicting claims are not identical, they are not patentably distinct from each other because;

Regarding **claim 3** of this application, claim 1, 8 and 9 of U.S. Patent No. 6,674,957 B1 recite an apparatus for recording and/or reproducing audio and/or video data on a writeable and/or rewriteable recording medium comprising: a recording processor to signal-process a plurality of still pictures to be recorded in a first region of the recording medium; and a controller to generate still picture group information for arranging the still pictures in the first region into a number of groups so as to manage the still pictures at a group level and to control the generated still picture group information to be recorded in a second region of the recording medium, with the still picture group information including sizes of still pictures in at least one of the still picture groups, wherein the position information for the still pictures includes size information of video parts of the still pictures and wherein the recording processor consecutively records audio data after ones of the still pictures, and the position information for the still pictures further includes size information of the audio data corresponding to the still pictures, playback time information thereof. It is noted that claim 1 of this application is broader than and encompasses method claims 1, 8 and 9 of U.S. Patent No. 6,674,957

B1 and, therefore, obviousness-type double patenting rejection is applied.

5. Claims 4 and 6 are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 24, 25 and 27 of U.S. Patent No. 6,674,957 B1.

Regarding **claim 4** of this application, claim 24, 25 and 27 of U.S. Patent No. 6,674,957 B1 recite an apparatus for reproducing still pictures from a recording medium having a plurality of the still pictures, still picture group information for arranging the still pictures into a number of groups, the apparatus comprising: an optical pickup to read the still picture group information in accordance with the playback information; a playback processor to reproduce a desired one of the still pictures based on the still picture group information and the playback information; the reproducer calculates the first position of the desired still picture by summing a start position of one of the still picture groups in the read still picture group information which includes the desired still picture and sizes of data preceding the desired still picture, and a size of a video part of the still picture. It is noted that claim 4 of this application is broader than and encompasses method claims 24, 25 and 27 of U.S. Patent No. 6,674,957 B1 and, therefore, obviousness-type double patenting rejection is applied.

Regarding **claim 6** of this application, claim 24, 25 and 27 of U.S. Patent No. 6,674,957 B1 recite an apparatus for reproducing still pictures from a recording medium having a plurality of the still pictures, still picture group information for arranging the still pictures into a number of groups, the apparatus comprising: an optical pickup to read the still picture group information in accordance with the playback information; a

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playback processor to reproduce a desired one of the still pictures based on the still picture group information and the playback information; and a reproducing processor to signal-process the desired still picture, wherein the reproducer calculates the first position of the desired still picture by summing a start position of one of the still picture groups in the read still picture group information which includes the desired still picture and sizes of data preceding the desired still picture, and calculates the second position of the original audio data by summing the calculated first position of the desired still picture and a size of a video part of the still picture. It is noted that claim 6 of this application is broader than and encompasses method claims 24, 25 and 27 of U.S. Patent No. 6,674,957 B1 and, therefore, obviousness-type double patenting rejection is applied.

6. Claim 7 is rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 24, 25 and 27 of U.S. Patent No 6,674,957 B1 in view of Kageyama et al (US 6594442)

Regarding **claim 7** of this application, claims 24, 25 and 27 of U. S. Patent No. 6,674,957 B1 as discussed above, recite all the claimed limitations except for providing the claimed wherein the position information further comprises playback time information of audio data.

On the other hand Kageyama et al teaches wherein the position information further comprises playback time information of audio data (col 9, lines 5 – 17).

It would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate wherein the position information further comprises playback



time information of audio data as taught by Kageyama et al in claims 24, 25 and 27 of U. S. Patent No. 6,674,957 B1 in order to efficiently provide random access to audio data during playback time.

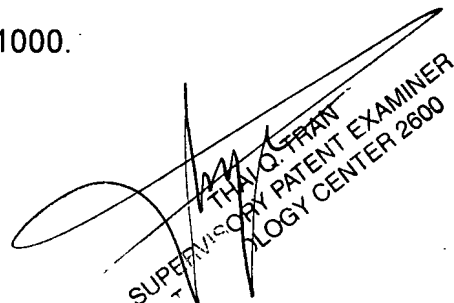
### ***Conclusion***

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Syed Y. Hasan whose telephone number is 571-270-1082. The examiner can normally be reached on 9/8/5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thai Tran can be reached on 571-272-7382. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

S.Y.H.  
10/30/2007

  
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